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Viewing cable 09GUATEMALA106, UNDER NARCO THREAT, RULE OF LAW COLLAPSING IN COBAN

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Reference ID	Created	Released	Classification	Origin
09GUATEMALA106	2009-02-06 10:15	2011-08-30 01:44	CONFIDENTIAL	Embassy Guatemala

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C O N F I D E N T I A L SECTION 01 OF 04 GUATEMALA 000106

SIPDIS

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SUBJECT: UNDER NARCO THREAT, RULE OF LAW COLLAPSING IN COBAN

Classified By: Pol/Econ Counselor Drew Blakeney for reasons 1.4 (b&d).

Introduction

11. (C) Confronted by the threat from three narcotrafficking groups, including recently arrived "Zetas" from Mexico, the local Rule of Law (ROL) apparatus in the northern city of Coban is no longer capable of dealing with the most serious kinds of crime. What is happening there is typical of many rural areas of Guatemala. Sources tell us that Coban's police are corrupt and allied with traffickers, and sometimes even provide them escort. Some judges and prosecutors are too frightened to do their jobs properly; others are in league with the traffickers. Asserting that security is not his job, the mayor is turning a blind eye to the narco-violence in Coban's streets. Wholesale restructuring of the ROL apparatus -- not mere personnel changes -- would be required for the state to adequately reassert its authority. End Introduction.

Mexican Zetas Settling Down in Coban...

12. (C) Prompted by accounts that more than 100 Mexican "Zetas" (the armed wing of the Gulf Cartel, members of which are former soldiers) have taken up residence, Pol/Econ Counselor visited the northern city of Coban, Guatemala, January 11-13. AID officer made a follow-on trip to the region Jan. 20-22. Coban, which is the capital of Alta Verapaz Department, and its surrounding areas have a population of approximately 150,000. Most inhabitants are from the Q'Eqchi' and Poqomchi' indigenous groups, though the area has many Spanish-speaking Ladinos as well. A September 2, 2008 shoot-out in front of the shopping mall involving Mexican and Guatemalan traffickers armed with military weapons brought Coban's growing narcotrafficking problem to national attention. Coban is no longer the peaceful place it was just a year and a half ago, although some interlocutors reported that the Zetas are now trying to keep a lower profile in order to avoid national and international attention.

...with Help from Local Authorities

13. (C) XXXXXXXXXXXXX, a ten-year resident of Coban, said there were three main narcotrafficking groups/leaders in Coban: Walter Overdic Mejia, the local representative of the Guatemalan Lorenzana Family of Zacapa; "El Loco" Turcios, the local representative of the Mendoza drug trafficking family of Izabal; and most recently, more than 100 Mexican Zetas. Overdic had invited the Zetas in, thinking he could arrange a lucrative partnership, but now the Zetas are taking over, XXXXXXXXXXXXX said. They are buying land forming a corridor to the Mexican border, and have met with local African palm growers to tell them which land they can buy and which they cannot. They kidnapped some of the growers, employees to underline their point.

14. (C) According to XXXXXXXXXXXXX, scores of mid- and lower-ranking Zetas have taken up residence in "El Esfuerzo 1" and "El Esfuerzo 2," two poor neighborhoods in Coban, western Zone 12, adjacent to the airport. (Comment: During a visit to the two impoverished neighborhoods, Pol/Econ Qa visit to the two impoverished neighborhoods, Pol/Econ Counselor observed many idle youths. It appeared that they could easily be manipulated by outsiders with money.) XXXXXXXXXXXXX said immigration authorities are helping the Zetas obtain Guatemalan passports and other documents to normalize their status in the country. The Zetas also are believed to operate a training camp in the area. In separate conversations with AID officer, XXXXXXXXXXXXX, native of Coban, said Zetas freely use the airport, even during daylight hours.

15. (C) XXXXXXXXXXXXX said he had seen police XXXXXXXXXXXXX personally escorting the Zetas. In addition to assisting the Zetas, XXXXXXXXXXXXX has been in the employ of both of the main

Guatemalan rival traffickers, Turcios and Overdic, and has betrayed both, according to XXXXXXXXXXXX. One or the other may

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assassinate him soon, XXXXXXXXXXXX speculated. He noted that the September firefight with military weapons occurred in front of the shopping mall, 500 meters from the police station. The PNC did not respond. The genesis of the firefight, according to XXXXXXXXXXXX, was Overdic had sent Jorge Flores to ambush the Zetas in retaliation for their March 25 murder of Juan Leon in Zacapa (ref b). When the SAIA (Counternarcotics Analysis and Information Service) briefly detained Overdic,s wife and son, Overdic announced on local radio that if they were not immediately freed, he would "blow up the shopping mall, and the commercial center of town." Storekeepers duly closed for the day, and the mall was evacuated. Mrs. Overdic was released. (Note: During a search of the Overdics' bodyguards' quarters, investigators allegedly found three checks to Army Colonel Carlos Adolfo Mancilla, according to the International Commission Against Impunity in Guatemala (CICIG). Mancilla has since been promoted to Brigadier General and made Deputy Chief of Staff, ref b.)

Mayor, Police Chief Don't See a Problem

16. (C) From Coban but not having lived there since childhood, Mayor Leonel Chacon of the FRG left the textile business in Guatemala City to return home to run for mayor. He was eager to discuss his economic development plans with Pol/Econ Counselor, but was visibly nervous when asked to discuss security and narcotics trafficking. He said that narcotraffickers could at times be seen in Coban, but had no negative impact on local life. He dismissed reports of Zetas in Coban as "rumors," and did not react to mention of the September shoot-out, Walter Overdic, and Overdic,s alleged murder of an appellate court judge two years ago. "I don't have a problem with anybody," Chacon said. He mentioned that common crime has long remained at a constant, low level. Despite the mayor's assurances, XXXXXXXXXXXX told AID officer that local cocaine consumption was growing, and that the narcotraffickers' local transportation network now includes many taxi drivers and small farmers.

17. (C) Police XXXXXXXXXXXX told Pol/Econ Counselor that narcotraffickers occasionally use the Coban area as a transportation corridor, but do not disrupt local life. He said the September shoot-out was Juan Leon's supporters ambushing Mexican Zetas. "It doesn't worry me if they want to kill each other," XXXXXXXXXXXX said. Key to interrupting narcotraffickers' operations is more patrolling, he asserted, but with just 280 PNC officers to cover the whole of Alta Verapaz Department, that was not possible. XXXXXXXXXXXX said he personally had transported Walter "The Tiger" Overdic to jail on several occasions during his previous assignment to the area, but since judges freed him each time, there was little point in going after him or other narcotraffickers again. Common crime has long remained at a constant, low level. Youths from impoverished Zone 12, at the western end of Coban, are trying to imitate Guatemala City gang members, but so far haven't been much of a problem, XXXXXXXXXXXX said. (Note: Mayor XXXXXXXXXXXX and Mayor XXXXXXXXXXXX and Mayor of XXXXXXXXXXXX separately told AID officer that Alta Verapaz residents tend to report drug crimes to municipal authorities rather than to the police because they are convinced that Chief Sandoval and his officers are in league with traffickers. End Note.)

Judicial Workers Intimidated

18. (C) XXXXXXXXXXXX said his conscience was clear, and that he was doing the best job he could while bearing in mind Coban,s "new realities." (Note: XXXXXXXXXXXX is one of three judges who may have made decisions helpful to Overdic, according to CICIG.) "I do not wish to become a martyr," XXXXXXXXXXXX said, noting that he drives himself to work, has no security, and his family lives nearby. Local police

are corrupt, XXXXXXXXXXXX said, and he did not know whom to trust within local rule of law institutions. XXXXXXXXXXXX acknowledged the local presence of Zetas and other traffickers, but would not go into details. He said it was time to consider a new, extraordinary arrangement that would provide protection for judicial workers and their families. Anonymity would have to be part of the arrangement, which would need to include far

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more robust investigative and policing capabilities.

¶9. (C) Criminal Prosecutor XXXXXXXXXXXX of the Public Ministry (MP, the Attorney General's Office) told Pol/Econ Counselor that she "had never intended to join the army, or do any other job likely to get (her) killed" when she became a prosecutor decades ago. XXXXXXXXXXXX. When she drives herself to work each morning, she goes past a line of inmates, family members, who are awaiting access to their loved ones inside, she said. "I put some of those inmates in that prison. Do you think their family members notice me when I drive by? Do you think they point at me? They do," she said. Mentioning that she regularly rides public busses alone, XXXXXXXXXXXX said she would like to vigorously pursue cases against narcotraffickers, but feels too vulnerable to do so. Furthermore, she said, local police were not trustworthy. Her workload is on the rise: the Coban MP's common criminal case load had increased from 300-400/month two years ago to 600-800 now, and was distributed among three prosecutors and four assistants. "We cannot go on like this ... something has got to change," she concluded. There was consensus among AID officer's interlocutors that judges and prosecutors are turning a blind eye to narcotraffickers because they fear for their lives, and those of their family members.

Better Leadership in Neighboring Tactic

¶10. (C) Pol/Econ Counselor also traveled to three ethnic Poqomchi, towns immediately south of Coban -- Santa Cruz, San Cristobal Verapaz, and Tactic. Unsatisfied with the usual mayors, answer that they do not deal with security issues, Hugo Rolando Caal Co, the newly-elected Mayor of Tactic, decided he would. He organized neighborhood "intelligence committees" to gather information on outsiders and criminals, which report information to the Mayor's Office, which then reports it to ROL authorities. He is also installing street cameras that will be monitored from a central site at the municipality building. Caal said he is considering joint security initiatives with the mayors of the other three ethnic Poqomchi' towns -- Tamahu, Santa Cruz Verapaz, and San Cristobal Verapaz. He noted that it is easy for residents of the four Poqomchi' towns to spot outsiders because they generally do not speak Poqomchi'. Caal Co hoped to capitalize on the Poqomchis' unique linguistic identity for the community's security benefit.

¶11. (C) Caal said a recent, gruesome murder made him think for the first time that perhaps narcotraffickers had come to Tactic. Hundreds of townspeople had attempted to lynch the suspected perpetrators on the morning of January 13 (during Pol/Econ Counselor's visit), but PNC Chief Sandoval and his men arrived to take the suspects into custody. Caal was critical of ROL authorities, saying they needed to be more efficient and vigilant. He and other municipal leaders told AID officer that the PNC's living and working conditions are not such as to inspire loyalty to the state, and that the GOG needs to do more for its police, starting with better Qneeds to do more for its police, starting with better salaries. In the meantime, Caal Co told AID officer, the army, which is a stronger institution, should do more joint patrolling with the police. This would serve to strengthen the state's law enforcement presence and might encourage better police comportment.

¶12. (C) Judge XXXXXXXXXXXX opined that the ROL apparatus is broken. The PNC and MP often accuse judges of

freeing criminals, but the Penal Code was written in such as a way as to make that the likeliest outcome. Guatemala desperately needs to reform its Penal Code, he said. In cases in which laws, sentencing provisions conflict, such as in the case of the Femicide Law (a copy of which he had on his desk) and the Penal Code, judges were forced to apply the lesser sentence. Despairing of the status quo, XXXXXXXXXXXX said, "Soon there will be no choice but to resort to martial law." While Tactic had remained relatively quiet, XXXXXXXXXXXX said Coban was out of control. He related that three truckloads of Zetas recently stopped a police patrol to inform the two PNC officers that a narcotrafficking operation was imminent. The PNC officers should remain silent and go on their way, "unless either of you are dissatisfied with your salaries, in which case you should come with us," the Zetas had told the

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police.

Comment

13. (C) Coban's ROL infrastructure was never intended to deal with the kind of threats to public order that it now faces, and is collapsing. The process of loss of state control now underway in Coban has already occurred in other parts of the country, including Zacapa and Izabal Departments, as well as parts of Jutiapa, Chiquimula, San Marcos, and Peten Departments. Without outside intervention, Coban will join the growing list of areas lost to narcotraffickers.

McFarland